

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 6-10 and 12-21 are pending in the application. Claim 6 has been rewritten in independent form including all limitations of base claim 2, without otherwise touching the merits. Claims 2-5 and 11 have been cancelled without prejudice or disclaimer. No new matter has been introduced through the foregoing amendments.

Counsel thanks Examiner M. Hand for the courtesy of an interview held on November 6, 2006. At the interview, several distinctions between the claims and the applied reference of *Lavon* were discussed. The Examiner agreed that *Lavon* does not teach or disclose a liquid pervious layer that covers upper and lower surfaces of the absorbent core. Claim 6 includes the feature and is therefore believed patentable over *Lavon*.

In particular, claim 6, now in independent form, recites, among other things, that the core comprises absorbent material wrapped in tissue paper, that the tissue paper defines the upper and lower surfaces of the core, and that the tissue paper is different from the liquid-pervious first sheet which is adapted to cover the upper and lower surfaces of the core.

As pointed out by Applicant's representative at the interview, *Lavon* discloses, at best, tissue paper at 47 (Fig. 3) and a different liquid-pervious first sheet at 38/39. The *Lavon* tissue paper 47 appears to define the upper and lower surfaces of the absorbent core. However, the *Lavon* "liquid-pervious first sheet" 38/39 is not adapted to cover the lower surface of the absorbent core as best seen in Figs. 3-4 of the reference. The *Lavon* "liquid-pervious first sheet" 38/39 covers at best only the upper surface of the absorbent core. The *Lavon* tissue paper 47 cannot be read on the claimed liquid-pervious first sheet, because the reference would then lack tissue paper that is different from the liquid-pervious first sheet.

Accordingly, Applicants respectfully submit that *Lavon* does not anticipate independent claim 6. Withdrawal of the 35 U.S.C. 102(e) rejection of claim 6 in view of the above is now believed appropriate and therefore respectfully requested.

Independent claim 12 recites, among other things, that the core comprises absorbent material wrapped in tissue paper, and that the tissue paper defines the upper and lower surfaces of the core. The invention of independent claim 12 also includes a liquid-pervious first sheet different from the tissue paper and comprising (1) a pair of first sections each extending inwardly in the transverse direction and covering the upper surface of the core in one of the halves, (2) a pair of second sections each extending from one of the first sections downwardly in a thickness direction of the core and through the slit, and (3) a third section located between the lower surface of the core and the second sheet and connecting the second sections. The second sections define inner side walls of a pocket adapted to receive therein the wearer's penis whereas the third section defines an inner bottom wall of the pocket.

Lavon discloses, at best, tissue paper at 47 (Fig. 3) and a different liquid-pervious first sheet at 38/39. The *Lavon* tissue paper 47 appears to define the upper and lower surfaces of the absorbent core. However, the *Lavon* "liquid-pervious first sheet" 38/39 does not include second and third sections as defined in claim 12. The *Lavon* "liquid-pervious first sheet" 38/39 terminates at the edge 46 (Fig. 3) and does not extend downwardly in a thickness direction of the core and through the slit, contrary to the claimed second sections.

In addition, *Lavon* lacks a third section (which is a part of the liquid-pervious first sheet) that defines an inner bottom wall of the pocket. As can be seen in Figs. 3-4 of *Lavon*, the inner bottom wall of the pocket is defined by the backsheet 42/43 which is apparently impervious.

Accordingly, Applicants respectfully submit that *Lavon* does not anticipate independent claim 12. Withdrawal of the 35 U.S.C. 102(e) rejection of independent claim 12 in view of the above is now believed appropriate and therefore respectfully requested.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims 6 and 12.

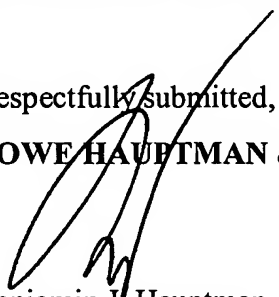
Accordingly, all claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under *37 C.F.R. 1.136* is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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